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Security Council

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Letter dated 12 November 2001 from the Permanent Representative of Panama to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a document from the Ministry of Foreign Affairs of the Republic of Panama entitled "Reply of the Government of Panama to statement by the Permanent Representative of Cuba to the United Nations", referring to the situation of various alleged Cuban-American terrorists detained in the Republic of Panama (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Ramón A. **Morales Q.**
Ambassador
Permanent Representative

01-63900 (E) 161101 161101

Annex to the letter dated 12 November 2001 from the Permanent Representative of Panama to the United Nations addressed to the Secretary-General

Reply of the Government of Panama to statement by the Permanent Representative of Cuba to the United Nations

Since 1 October 2001, during the debate in the United Nations on international terrorism, the Government of Cuba has been making reckless and offensive statements about the Republic of Panama because of the proceedings initiated against the alleged terrorist Luis Posada Carriles and three other Cuban-Americans.

After protesting its attachment to international law, the Charter of the United Nations and international conventions, the Government of Cuba distorts the concepts of prudence and moderation embodied therein by engaging in irresponsible speculation concerning the judicial process in Panama.

In order to remedy the obvious ignorance of the Cuban authorities concerning the proceedings involving Mr. Luis Posada Carriles and others, the Government of Panama wishes to state the following:

1. During the tenth Ibero-American Summit, Posada Carriles and other individuals were detained in Panama by the judicial investigation authorities for an alleged attempt to assassinate President Fidel Castro Ruz.

2. Since their arrest in November 2000, the Panamanian judicial authorities have undertaken the appropriate proceedings, with full respect for human rights, due process and participation by Counsel for the accused.

3. Historically, Panama has supported and defended the international legal rule concerning the competence of local courts to try those accused of offences committed in the sovereign territory of a country.

4. Posada Carriles and his alleged accomplices have been accused of conspiracy to commit an offence in Panama and are being detained until their fate has been decided by a court of justice.

5. Unlike Cuba, Panama does not hold summary trials; evidence cannot be presented in an arbitrary or discriminatory manner, and persons awaiting trial are entitled to their own legal assistance or, failing that, to legal assistance, provided by the State free of charge.

6. In Panama, in accordance with the Constitution, courts of justice are independent and — contrary to the situation in Cuba — are not answerable to Councils of State, legislative assemblies or political parties.

7. The death penalty does not exist in Panama.

8. Cuba's request for the extradition of Posada Carriles and his alleged accomplices was denied by Panama as inadmissible, since the accused are the subject of judicial proceedings corresponding to the offences which they are accused of committing in the national territory of Panama, and because there is no reciprocity by the Government of Cuba vis-à-vis Panama in this regard.

Lastly, the Government of Panama rejects outright the inapposite allegation by the Permanent Representative of Cuba to the United Nations contained in Security Council document S/2001/1039, issued on 2 November 2001, to the effect that the Government of the United States of America is exerting pressure to have the Panamanian courts free Posada Carriles and his alleged accomplices. It also forcefully rejects an earlier absurd insinuation by the representative of Cuba to the effect that Panama plans to allow them to escape judgement by the courts.

The zealous attempts by the Government of Cuba to discredit Panamanian justice will not lead to any violation of the right of Posada Carriles and his alleged accomplices due to process of law.

12 November 2001